

EXHIBIT B

1 UNITED STATE DISTRICT COURT

2 DISTRICT OF MASSACHUSETTS

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5 MARY B. SMITH,

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6

Plaintiff,

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)

8

vs.

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)

10 DAVID C. NICHOLSON, Trustee of the DJJ Realty)

11 Trust, DOMINIC M. SAWICKI, Trustee of the)

12 Dominic M. Sawicki Trust, and CAROL ANN WHITNEY)

13 and GLENN WHITNEY,)

14

Defendant.)

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16 DEPOSITION OF LEIGHANNE DEERING, taken in

17 behalf of the Defendant, David C. Nicholson,

18 pursuant to the applicable provisions of the

19 Massachusetts Rules of Civil Procedure, before

20 Sandra A. Viera, Court Reporter and Notary Public

21 in and for the Commonwealth of Massachusetts,

22 at the Law Offices of Lynch & Lynch, 45 Bristol

23 Drive, So. Easton, Massachusetts, on Thursday,

24 June 30, 2005, commencing at 10:30 a.m.

LAPLANTE & ASSOCIATES, INC.

(508) 999-7499

1 A. She was towards the top of the --
2 she was towards the top of the hill. When we
3 came over the hill, she was kind of right
4 in front of us.

5 I remember that's the first thing
6 we saw, which is how we came upon her. I
7 would say she was more towards the middle
8 of the driveway, because I remember guiding
9 Rescue down the driveway and having them
10 stop because, obviously, she was here and we
11 didn't want them to proceed down.

12 Q. On the copy, could you put an "X"
13 where she was located, to the best of your
14 memory?

15 A. To the best of my memory --

16 (Witness indicating)

17 Q. Do you have an estimate as to how
18 far that is over the hill?

19 A. I don't -- I think I would have to
20 stand at the top of the driveway and look
21 down.

22 Q. And at some point, the roadway changes
23 from dirt to asphalt; correct?

24 A. Correct.



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